

SENATE BILL 720

D4

2lr2623

By: **Senator Zirkin (By Request – Task Force on Prisoner Reentry) and
Senator Jones–Rodwell**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 26, 2012

CHAPTER _____

1 AN ACT concerning

2 **Child Support – Incarcerated Obligor – Suspension of Payments and**
3 **Accrual of Arrearages**

4 FOR the purpose of establishing that child support payments are not past due and
5 arrearages may not accrue during any period when the obligor is incarcerated
6 and for a certain period after the obligor's release from confinement under
7 certain circumstances; authorizing the Child Support Enforcement
8 Administration to adjust an incarcerated obligor's payment account in certain
9 cases to reflect the suspension of the accrual of arrearages under this Act;
10 requiring the Administration to send a certain notice to the obligee before
11 making an adjustment; defining certain terms; and generally relating to the
12 child support obligations of incarcerated obligors.

13 BY adding to

14 Article – Family Law

15 Section 12–104.1

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 12-104.1.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "ADMINISTRATION" HAS THE MEANING STATED IN § 10-101
5 OF THIS ARTICLE.

6 (3) "OBLIGEE" HAS THE MEANING STATED IN § 10-101 OF THIS
7 ARTICLE.

8 (4) "OBLIGOR" HAS THE MEANING STATED IN § 10-101 OF THIS
9 ARTICLE.

10 (B) A CHILD SUPPORT PAYMENT IS NOT PAST DUE AND ARREARAGES
11 MAY NOT ACCRUE DURING ANY PERIOD WHEN THE OBLIGOR IS INCARCERATED,
12 AND CONTINUING FOR 60 DAYS AFTER THE OBLIGOR'S RELEASE FROM
13 CONFINEMENT, IF:

14 (1) THE OBLIGOR WAS SENTENCED TO A TERM OF IMPRISONMENT
15 OF ~~18~~ 12 CONSECUTIVE MONTHS OR MORE;

16 (2) THE OBLIGOR WAS NOT IN ARREARS IN PAYING CHILD
17 SUPPORT AT THE TIME THE OBLIGOR WAS ARRESTED FOR THE CRIME THAT
18 RESULTED IN A SENTENCE TO A TERM OF IMPRISONMENT;

19 (3) THE OBLIGOR IS NOT ON WORK RELEASE AND HAS
20 INSUFFICIENT RESOURCES WITH WHICH TO MAKE PAYMENT; AND

21 ~~(3)~~ (4) THE OBLIGOR DID NOT COMMIT THE CRIME WITH THE
22 INTENT OF BEING INCARCERATED OR OTHERWISE BECOMING IMPOVERISHED.

23 (C) (1) IN ANY CASE IN WHICH THE ADMINISTRATION IS PROVIDING
24 CHILD SUPPORT SERVICES UNDER TITLE IV, PART D OF THE SOCIAL SECURITY
25 ACT, THE ADMINISTRATION MAY, WITHOUT THE NECESSITY OF ANY MOTION
26 BEING FILED WITH THE COURT, ADJUST AN INCARCERATED OBLIGOR'S
27 PAYMENT ACCOUNT TO REFLECT THE SUSPENSION OF THE ACCRUAL OF
28 ARREARAGES UNDER SUBSECTION (B) OF THIS SECTION.

29 (2) BEFORE MAKING AN ADJUSTMENT UNDER PARAGRAPH (1) OF
30 THIS SUBSECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE OF
31 THE PROPOSED ACTION TO THE OBLIGEE, INCLUDING THE OBLIGEE'S RIGHT TO

1 **OBJECT TO THE PROPOSED ACTION AND AN EXPLANATION OF THE PROCEDURES**
2 **FOR FILING AN OBJECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.